

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HENRY SAYE GOFAN JUNIOR,

Plaintiff,

v.

DARLENE J. PEREKSTA, et al.,

Defendants.

Civil Action No. 16-8559 (PGS)

MEMORANDUM AND ORDER

This matter comes before the Court on a civil rights Complaint filed by Plaintiff Henry Saye Gofan Junior. Plaintiff alleges that he is a pretrial detainee who is being prosecuted for unspecified crimes by the State of New Jersey. ECF No. 1 at 2. Presently before the Court are five motions to dismiss filed by various Defendants. ECF Nos. 24, 27, 28, 36 & 38.

The main concern the Court had with regard to the Complaint was Plaintiff's allegation that he was unaware why he was arrested and detained by the State of New Jersey. However, at oral argument, Defendants informed the Court that Plaintiff has three outstanding indictments against him, with the latest indictment related to the incident alleged in the Complaint, which charged Plaintiff with eluding and resisting arrest. Indeed, documents submitted by Plaintiff show that he has a long history of criminal activities, and has been convicted of a multitude of crimes in the past, so there may have been any number of reasons why he was sought by the police. Although the Court cannot rely on evidence outside of the Complaint to decide motions to dismiss, the Court is mindful that judicial economy may be best served if the Court is provided with the relevant documents from the state criminal proceedings, including but not limited to the arrest report, indictment, transcript of the arraignment hearing, transcript of any probable cause or suppression hearing, or simply a procedural history of the criminal case. As such, the Court finds it prudent,

given the facts of this case, to administratively terminate the motions to dismiss, and allow Defendants to consider filing comprehensive early summary judgment motions before discovery. Plaintiff, of course, would have the opportunity to oppose any summary judgment motions filed. To the extent any Defendant chooses to stand on his or her existing motion, he or she may inform the Court in writing, and his or her motion will be reinstated.¹

IT IS therefore on this 16 day of October, 2017,

ORDERED that the motions to dismiss, ECF Nos. 24, 27, 28, 36 & 38, are hereby **ADMINISTRATIVELY TERMINATED**; it is further

ORDERED that Defendants are permitted to file summary judgment motions within thirty (30) days after answering the Complaint; it is further

ORDERED that should any Defendant chooses to forego the opportunity to file an early summary judgment motion and stand on his or her existing motion to dismiss, he or she shall inform the Court of that choice in writing within seven (7) days of this Order; and it is further

ORDERED that the Clerk shall serve a copy of this Order upon Plaintiff by regular mail.



Peter G. Sheridan, U.S.D.J.

¹ Any motion to dismiss granted by this Court may be accompanied by an opportunity to amend.